

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: RIPPLE LABS INC. LITIGATION

Case No. 18-cv-06753-PJH

**ORDER DENYING MOTION FOR
CLARIFICATION**

Re: Dkt. No. 150

Defendants Foris, Inc., Foris Dax, Inc., and Foris DAX Global Ltd. (collectively, “the Foris defendants”) have filed a motion for clarification of the court’s order consolidating Toomey v. Ripple Labs, Inc. with the present case. See Dkt. 150; see also Toomey, case no. 21-cv-6518, Dkt. 85. While the Foris defendants’ motion purports to seek “clarification,” it actually seeks partial reconsideration of the court’s prior order.

Specifically, the court’s consolidation order stated that “to the extent that the newly-consolidated action involves legal issues arising only under Florida state law, or involves legal issues relating to defendants that are not named in In re Ripple, those issues will not be addressed until the court has resolved the legal issues raised by the earlier-filed action.” Dkt. 150 at 1 (emphasis added).

The Foris defendants’ motion requests that the court effectively modify the previous order and allow them to proceed with their motions to dismiss. See Dkt. 150. In the alternative, the Foris defendants ask that the court stay all discovery as to them. Id. at 4. Responses filed by the Toomey plaintiffs and by the lead plaintiff in the consolidated case point out that the court’s previous order effectively stayed the Toomey action, which would preclude the Foris defendants from proceeding with their motions,

1 but would also preclude any discovery being taken from the Foris defendants. See Dkt.
2 151, 152.

3 The lead plaintiff and the Toomey plaintiffs are correct when they state that the
4 court intended its consolidation order to function as an effective stay of Toomey. That is,
5 all issues, legal or factual, that do not pertain to the consolidated case are effectively
6 stayed. Accordingly, the court will not hear the Foris defendants' motions at this time,
7 and their motion for clarification is DENIED. The Foris defendants' motions to dismiss
8 (case no. 21-6518, Dkt. 81, 82) are administratively terminated. And because Toomey is
9 effectively stayed, no discovery can be taken from the Foris defendants.

10 Finally, the Foris defendants and the Toomey plaintiffs have filed a stipulation
11 regarding a briefing schedule for the Foris defendants' motions to dismiss. See Dkt. 153.
12 In light of this order denying the Foris defendants' request to have their motions heard at
13 this time, the stipulation is DENIED as moot.

14 **IT IS SO ORDERED.**

15 Dated: November 3, 2021

16 /s/ Phyllis J. Hamilton

17 PHYLLIS J. HAMILTON
18 United States District Judge
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